

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

TYREIK LARRY WATSON,)
)
)
Movant,)
)
)
v.) Case No. CV416-145
) CR413-128
UNITED STATES OF AMERICA,)
)
)
Respondent.)

REPORT AND RECOMMENDATION

This Court recently illuminated filing-date discrepancies in Tyreik Larry Watson's 28 U.S.C. § 2255 motion. *Watson v. United States*, 2016 WL 3581938 at * 1 (S.D. Ga. June 27, 2016). Those discrepancies suggested that Watson engaged in date-manipulation to defeat 2255(f)(1)'s one-year limitations period. Warning him not to perjure himself, the Court directed him to file a "Mingo Statement"¹ by July 13,

¹ See *Mingo v. United States*, 2014 WL 5393575 (S.D. Ga. Oct. 23, 2014) (sending movant Mingo a special 28 U.S.C. § 1746 Declaration form for him to "affirm or rebut" his appointed lawyer's assertions on his claim that counsel ignored his directive to file an appeal), cited in *Marshall v. United States*, 2015 WL 3936033 at * 2 (S.D. Ga. June 26, 2015) ("It is this Court's practice to request sworn affidavits or 28 U.S.C. § 1746 Declarations from allegedly errant lawyers and movants before a hearing.").

2016. *Id.* at * 2 (citing *Williams v. United States*, 2016 WL 3194368 at * 2 (S.D. Ga. June 6, 2016)).

Because he has failed to comply, Watson's § 2255 motion (doc. 52) should be dismissed without prejudice. *See L.R. 41(b); see Betty K Agencies, Ltd. v. M/V Monada*, 432 F.3d 1333, 1337 (11th Cir. 2005) (district courts may *sua sponte* dismiss an action pursuant to Fed. R. Civ. P. 41(b) if the plaintiff fails to comply with court rules or a court order); *Donaldson v. Clark*, 819 F.2d 1551, 1557 n. 6 (11th Cir. 1987) (district court has inherent authority to sanction parties for "violations of procedural rules or court orders," up to and including dismissals with prejudice).

SO REPORTED AND RECOMMENDED, this 25th day of July, 2016.



UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA